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SEPTEMBER 2007

VOLUME 20, NUMBER 4

What is a Regional Administrator?

In social situations, I am often asked what I do for a living. Over the years, I have learned that responding, “I am a Regional Administrator for the Michigan Supreme Court State Court Administrative Office” gets a questioning look that implicitly asks, “What is that?” I explain: “I supervise judges.” The response to that is usually something like, “I didn’t know anyone did that!” I then further explain that, “I have no control over judges’ decisions in particular cases; only the Court of Appeals or the Supreme Court can overrule a judge’s decision in a case. My job involves the administration of the courts.”



J. Bruce Kilmer, Region 3 Administrator

The Supreme Court has divided the state into four administrative regions (see map of regions at http://courts.michigan.gov/scao/services/ct_admin_regions_map.pdf), each overseen by a “Regional Administrator.” Each region has about 60 courts, although, as you can see by the chart of trial court judgeships by court type and region at <http://courts.michigan.gov/scao/resources/other/regionalcomposition.pdf>, the number of judges varies greatly by region because some courts have many judges.

Officially, my job description says that regional administrators *carry out the administrative superintending control of the Supreme Court over local trial courts by enforcing compliance with statutes, court rules, Supreme Court administrative orders, and the code of judicial conduct.* The true essence of my job is to help courts be places where the public can resolve their disputes in ways that leave both the individuals and society better off than they would have been without the courts’ intervention. In seminars for new judges, I tell the attendees that if they don’t succeed in that task, then I will feel that I have failed them.

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"The best feature of the Michigan child support program is the Child Support Enforcement System (MiCSES)."

Introducing Shauna Dunnings, Ingham County Friend of the Court

On April 16, 2007, Shauna Dunnings became the new Friend of the Court (FOC) for Ingham County. Shauna received her bachelor's degree in Communications from the University of Michigan and her Juris Doctor degree from Howard University Law School. After law school, Shauna spent a year clerking for the Honorable Gordon Quist, followed by 13 years in private practice. For the past three years, Shauna has served as the Assistant FOC in Ingham County and as a referee in Eaton County. She says that the most satisfying part of moving from Assistant FOC to FOC is the ability to effectuate change through policy innovations.

Ingham County is located in southcentral Michigan and has a population of approximately 280,000. Its major employers include state government, automobile manufacturing, educational institutions, and health care.



Shauna Dunnings

The Ingham County FOC manages almost 25,000 active cases. The Ingham County Circuit Court has four family court judges and four Domestic Relations referees. There are 60 full-time FOC employees. The FOC office accepts walk-ins for parenting time complaints, but requires parties to schedule appointments for any child support questions. Since May 2007, litigants have been able to e-mail questions to the FOC. To further assist parties, the FOC office works together with Michigan State University's "Chance at Childhood" program to provide supervised parenting time. In addition, the FOC office has an Access and Visitation grant that funds a supervised parenting time program at a local YMCA.

Many parents have benefited from the FOC office's Jail Alternative Sentencing Program (JASP), administered by Assistant Friend of the Court (Legal Division) Shawn Perry. JASP helps payers get job skills and provides personal references to prospective employers. The program also lets delinquent support payers perform volunteer service at a county park in lieu of serving the final days of a nonsupport jail sentence. The FOC office reviews the list of payer-inmates and selects those who may be good candidates for the program. Shauna says that the program is a win-win situation. Jail space is freed up for violent offenders, there is no cost to the county, and the payers leave the program with a sense of accomplishment. Payers who have participated in JASP have worked on a variety of park projects, including making pathways, preparing a "splash pad" (and completing it before its anticipated completion date), painting, and maintaining the playground.

Shauna believes that the best feature of the Michigan child support program is the Michigan Child Support Enforcement System (MiCSES). She says that it encourages uniform practices and provides all county FOC offices equal access to the same support and enforcement

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Introducing Erin Ferris, FOCB Customer Service Clerk

Erin Ferris joined the Friend of the Court Bureau as a customer service clerk on July 20, 2007. Erin is a third year law student at Michigan State University College of Law. She received her Bachelor of Arts degree from Michigan State University in social relations. Erin was raised on a dairy farm in Portland, Michigan. She enjoys reading, camping, and spending time with family and friends. After she receives her Juris Doctorate degree in May 2008, Erin plans on practicing law in either the Lansing area or the Grand Rapids area. Erin is a member of the Family Law Society and intends to pursue a career in family law because she enjoys helping families during very difficult times in their lives.

Michigan Association of Court Mediators

by Alan P. Zoltowski, MACM President

In my first year as President of the Michigan Association of Court Mediator's (MACM), I am excited to be given this opportunity by the editor of the *Pundit* to talk about MACM as well as promote our **22nd Annual Advanced Mediation Training Conference**, to be held September 26th – 28th, 2007, at the Ralph A. MacMullan Conference Center in Roscommon, Michigan. Nothing is better than a little shameless self-promotion!

The MACM board has worked hard the past several months to bring Michigan's Court Mediators a strong faculty line-up. As a result, this year's conference, cosponsored by the Michigan Judicial Institute, has also been approved by the State Court Administrative Office as Advanced Mediation Training.

Our primary presenter is **Carl D. Schneider, Ph.D.**, director of *Mediation Matters* in Maryland. A mediator since 1981 and an advanced-practitioner member of the Association for Conflict Resolution (ACR), Carl has trained several thousand family mediators over the past 23 years. A passionate advocate for bringing our practice of mediation in line with our rhetoric and for sponsoring the conversation between parties, Carl has been actively involved in developing performance-based assessments of mediators. A respected trainer, Carl has presented widely at both regional and national conferences.

In addition to Dr. Schneider, we will feature several other esteemed presenters. The program will begin with the Hon. James Fisher, Chief Judge of the Barry County Trial Court, who will provide a bench perspective on the value of mediation.

We will also hear from MACM members Guy Jacobson and Janis Herman who will discuss Muskegon County's Parents for Life program, which is based on the principles of restorative justice. The conference will conclude with a presentation on "Cultural Considerations in Practice" by Sujata Warriar, Ph.D., Director of the New York City Program of the New York State Office for the Prevention of Domestic Violence.

Personally, I'd like to thank the board for their tireless efforts this year: Guy Jacobson, Vice

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Interstate Corner: Questions and Answers

Question: *A litigant asks a friend of the court office to “domesticate,” i.e., to register and modify, an out-of-state order that includes provisions on child support, custody, and parenting time. Both parents reside in Michigan, and the child does not reside in the state that issued the order. What can the FOC do in terms of domesticating the order?*

Answer: The extent of an FOCs permissible involvement depends on the process used to domesticate the order. Generally, out-of-state orders get domesticated in one of two ways:

1. The “traditional method” requires the party to commence an independent civil action and ask the Michigan court to enter its own judgment incorporating the previous out-of-state order. Like in other civil actions, the petitioner must serve the summons and complaint on the other party. Pleadings associated with this type of case should set out the bases for the court to exercise subject matter jurisdiction over the dispute and personal jurisdiction over both of the parties. This traditional method predates the current uniform acts and federal laws on the recognition of orders issued by other states.
2. The “uniform act method” involves registering with a Michigan court the provisions of another state’s order, and then asking the Michigan court to grant whatever remedies are available under the applicable laws. A party may seek registration under either the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) or the Uniform Interstate Family Support Act (UIFSA; see especially MCL 552.1638). Regardless of the uniform act used to register the order initially, either party may later seek a remedy permissible under another law of this state.

Under MCL 552.1638, Michigan “has jurisdiction to enforce and to modify the issuing state’s child support order in a proceeding to register that order.” Note that the UIFSA governs only *child support* orders. Nothing in the act allows a Michigan court to enforce or modify a *custody* or *parenting time* order issued by another state. *Fisher v. Belcher*, 269 Mich. App. 247 (2005). The UIFSA does, however, does allow a party to seek a remedy under MCL 552.1601(3) by filing a pleading that specifies the grounds for the remedy sought. That must be done in order for the Michigan court to acquire subject matter jurisdiction to take any action involving custody or parenting time.

Other than the duties statutorily assigned to the friend of the court, FOC office staff should not give legal or procedural advice to anyone. When all parties live in Michigan, and the child does not live in the state that issued the order, the FOC should merely follow the statutory “uniform act” procedures to register the *support* order. Friend of the court offices may not help any party file a “traditional” action to domesticate another state’s orders, nor should they seek registration of another state’s *custody* or *parenting time* orders.

Process for Developing and Approving SCAO-Approved Court Forms

Have you ever wondered how court forms are created or how current forms are amended? Well, all forms approved by the State Court Administrative Office (SCAO) in Michigan are subject to the same process and review standard. For detailed information about this process, please see <http://courts.michigan.gov/scao/courtforms/index.htm#section2>.

Any interested person may contact SCAO to suggest a new form or recommend changes to current forms. These suggestions are published in January for a 30-day comment period before the annual meeting of the Michigan Court Forms Committee. The Friend of the Court Forms Committee, which is a section of the Michigan Forms Committee, meets annually in March to discuss all of the suggested changes, including comments received from the 30-day comment period. Even the minutest of details is discussed by the committee, including computer limitations and language, to make it understandable to all.

The committee consists of judges, attorneys, friends of the court and case workers, representatives from the Office of Child Support within the Department of Human Services, and analysts in the Friend of the Court Bureau and Trial Court Services within SCAO. The process for appointing members is outlined on the website. A list of the current committee members is available at <http://courts.michigan.gov/scao/courtforms/index.htm#members>.

The committee discusses each suggested change or new form and a final decision is recommended to the State Court Administrator. Minutes of the most recent meetings, with explanations for all decisions made, are posted on SCAO's web site. Contact information on how and where to submit suggestions for consideration by the committee can be found at <http://courts.michigan.gov/scao/courtforms/index.htm#section1>.

So if you ever wondered how court forms are created, hopefully this answers those questions. In fact, they come from people like you!

"Any interested person may . . . suggest a new form or recommend changes to current forms."

“Once I get to know the judges and court staff, I then must convince them that my job is to help . . .”

What is a Regional Administrator, continued from page 1

To gain credibility, I regularly meet with judges and court staff on their own turf. By talking with them in their surroundings, I learn about the things they have to face on a daily basis: inadequate facilities, public officials who don’t understand the courts, difficult personalities of other judges in the same jurisdiction, overly litigious litigants, irascible attorneys, special demographic factors, the local economy, and the added burdens of travel (for judges in multi-county courts). Once I get to know the judges and court staff, I then must convince them that my job is to help with those issues and any others that arise.

Here are some examples of issues on which judges and court staff may seek my assistance:

- Rumor that the legislature is going to change the boundaries of the court.
- Call indicating that the Department of Human Services is unhappy with the pattern of decisions by a judge.
- Judge asking if his “Collections Plan” is appropriate and if the methods of collecting in the plan are legal under the current court rules and statutes.
- Complaint that a court is adding improper assessments to the fines and costs charged to litigants.
- Dispute between a county administrator and then court administrator regarding how to apply the “Family Medical Leave Act” to a court employee.
- Dispute between two probate judges regarding which court has jurisdiction over a juvenile case.
- Emergency assignment of a judge needed for a “pick-up” order under the “Mental Health Code.”
- Complaint from a prisoner that more than the statutory amount was taken in a “sweep” of his prisoner account, and the response by the judge that the statute does not limit his authority to enforce a court judgment by sweeping more than the amount allowed by statute.
- Referral from a legislator of a constituent’s complaint about a custody and parenting time order that is harming the constituent’s child.
- Judge has ordered the county to remove all court computers from the county network and create a stand-alone court network.
- Canadian juveniles in the U.S. for the summer are before the family division of the circuit court, and the judge wants to know if he can order a disposition in Canada.
- Attorney has heard that a judge has told the SCAO that if the judge disqualifies the friend of the court — as the attorney has requested — then the judge will also disqualify himself.

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- County unilaterally decides not to appropriate money for a specific court staff position, resulting in a funding dispute that I must mediate.
- Assignment of a judge to assist another judge whose cases continually fail to meet the time guidelines set by the Supreme Court.

So, how do I handle all these wide-ranging issues? The key is communication. First, I get the parties together, or I talk to the judge or court staff. Then, through research, advice from SCAO's Lansing staff or other experts, and my previous experience with a particular judge or court staff person, I try to come up with a solution. The answers are rarely black and white. However, through questioning, persuading, cajoling, threatening, mediating, negotiating, and any other legal tactic that comes to mind, I try to get parties to act, not only in their own best interests, but also in the best interests of the judiciary and public. Sometimes it works, sometimes it doesn't, but my job never gets boring as I travel in the 27 counties in my region, meeting with different people and dealing with different issues every day.

Shauna Dunnings, continued from page 2

information. The most critical challenge facing MiCSES and the program generally is inadequate funding. To improve the program, Shauna suggests using more work assistance programs to help payers acquire employment. She also wishes that more Michigan legislators understood that there is a direct correlation between parenting time and the willingness to pay child support. Shauna adds that statutory parenting time mandates are under-funded. The lack of funds prevents FOC offices from offering services to facilitate relationships between the child and both parents.

As detailed earlier, Shauna has FOC work experience in both Eaton and Ingham Counties. The caseload in Ingham County is three times larger than in Eaton County. That makes it somewhat more difficult for the Ingham employees to establish personal relationships with parties, but the caseworkers in both counties genuinely care about parents and are very dedicated to their jobs. Ingham FOC employees also go the extra mile to balance accessibility with efficiency and effectiveness. Shauna's personal mission is to change the negative presumptions that some parents have about receiving services from the FOC. She admits that, when she was a private practitioner, she felt the same way. Shauna has instructed her staff to refer parties to her when they are unable to resolve a complaint. She believes that personal contact with parties will help strengthen their belief in the FOC system, which will play such an integral part in their lives.

When asked who her personal hero was, Shauna replied, "I have two—my mother and father." She attributes her legal work ethic to her father and everything else to her mother. Shauna is married and has two children.

"The most critical challenge facing MiCSES and the program generally is inadequate funding."

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President, Muskegon County; Cara Lemmen, Secretary, Kent County; Eliza Callow, Treasurer, Washtenaw County; Vicki Crum, Genesee County; Jennifer Daily and Greg Kotrba, Barry County; Katie Dopke and Brian Gallant, Oakland County; Sarah Hoffman, Washtenaw County; and Stephanie Newberry, Wayne County. Finally, Julie Vredevelde of Kent County has done an excellent job as Conference Chair, taking care of all of the details and keeping us all “on task.” In addition, a “shout out” should also go to MJI Program Manager, Pete Stathakis, one of the founding members of MACM, for his knowledge, continued leadership, and support of MACM.

MACM was originally founded in 1985 by a group of friend of the court personnel who recognized the benefit to children and parents of using the process of mediation to create divorce agreements and to resolve custody and parenting time disputes. As the only organization that represents Michigan’s court mediators, we’ve provided an annual training conference since our inception, usually at the Ralph A. MacMullan Conference Center in Roscommon, Michigan.



In the 80’s, 90’s, and early 00’s MACM produced and provided a quarterly newsletter to its members. That newsletter has been replaced by our website, www.macm.cc, where members can get the latest in domestic relations mediation news, as well as network and engage in dialogue with other family mediators. One of the important goals of the board is to offer an excellent yet affordable annual training conference. Many of our members are friend of the court staff. With the state in a budget crisis and many county budgets getting stretched thin it is important that MACM continues to offer an affordable training opportunity, and we think that we have done that. This year’s three-day conference once again costs only \$290, which includes meals, lodging, wonderful snacks, and more. For many friend of the court mediators this is the only training conference available to them each year, and a chance to leave the stresses and strains of the job behind, network with others in their field, and “recharge” their batteries.

Questions about our organization? Please contact Mr. Alan Zoltowski via e-mail zoltowskia@ewashtenaw.org or by phone at (734) 222-3329.

Questions regarding this year’s conference? Please contact Ms. Julie Vredevelde via e-mail Julie.Vredevelde@kentcounty.org or by phone (616) 632-6847.

You can also visit our website www.macm.cc for additional information.